

## REMARKS

Claims 1-39 are pending in the subject application prior to entry of this Amendment. These claims are amended herein to improve upon the wording of the claims. For example, independent claims 1, 19, 23, 28, 32 and 33 are amended to include short-form preambles. Claims 10 and 13 are amended to remove the “whereby” clauses. System claim 10 is amended to similarly correspond to method claim 1. Claims 25 and 30 are amended to depend from claim 23. Claim 35 is amended to address the Examiner’s objection set forth in paragraph 9 of the Action. The claims are further amended to ensure correct US spelling and refer to “the method,” “the system,” and “the apparatus,” as appropriate. The “means for” wording of the claims has been modified and, lastly, claims 40-42 are new computer program product claims (see also method claims 1, 23 and 28, respectively). Support for the foregoing exists throughout the specification and original claims, and no new matter is introduced herein. It is further respectfully noted that the amendments made herein are not made for reasons related to patentability. Thus, the full range of equivalents to all elements should remain in tact.

Accordingly, upon entry of this Amendment, claims 1-42 are pending. Of those claims, claims 1, 10, 19, 22, 23, 26, 28, 33 and 40-42 are independent.

Referring now to the outstanding non-final Office Action, at paragraph 4 the Examiner indicates that a specific reference to Applicant’s priority claim must be included in the first line of the specification in order for Applicant to properly claim priority.

Applicant respectfully requests clarification from the Examiner as it is understood that no amendment to the specification is necessary, nor is it advised, according to the MPEP.

More particularly, the subject application is a 371 national stage application of PCT/IB2004/051579, filed on August 27, 2004 (in English), which claims foreign priority from GB 0320075.5, filed on August 25, 2003 (in English). This domestic and foreign priority claim is listed on Applicant’s filing receipt. The Summary page of the Office Action

dated February 4, 2008 also indicates that all certified priority documents have been received by the USPTO and Applicant's claim for foreign priority is acknowledged. Applicant's declaration also refers to the above priority. Although not required, Applicant herein restates the above domestic and foreign priority claim.

MPEP section 1893.03 ( c ) specifically states that:

“a national stage application submitted under 35 U.S.C. 371 may not claim benefit of the filing date of the international application of which it is the national stage since its filing date is the international filing date of the international application. See also MPEP section 1893.03(b). Stated differently, since the international application is not an earlier application (it has the same filing date as the national stage), a benefit claim under 35 U.S.C. 120 in the national stage to the international application is inappropriate and may result in the submission being treated as an application filed under 35 U.S.C. 111(a). See MPEP section 1893.03(a). Accordingly, it is not necessary for the applicant to amend the first sentence(s) of the specification to reference the international number that was used to identify the application during international processing of the application by the international authorities prior to commencement of the national stage.”

In view of the forgoing, no further action by Applicant is believed to be required to perfect the priority claim. The Examiner is kindly requested to acknowledge Applicant's perfected priority claim in the next Action. However, if any further action is required by Applicant, the Examiner also is requested to advise Applicant in the next Action.

At paragraph 5, Applicant's IDS filed on December 15, 2005 is acknowledged as being considered by the Examiner. The Examiner is respectfully requested to provide Applicant with a copy of the initialed 1449 Form at the Examiner's convenience.

At paragraph 6, claim 35 is objected to as being a duplicate of claim 33. Applicant respectfully traverses this objection. Claim 35 depends from claim 33 and additionally refers

to a “given frequency,” which is not specifically recited in claim 33. Accordingly, the Examiner’s objection should be reconsidered and withdrawn.

At paragraph 7, the Drawings are objected to as not showing “Figure 1a” referenced in the specification. Applicant has deleted the reference to Figure 1a at page 11, line 31, and thanks the Examiner for pointing out this typing error in the specification. Accordingly, reconsideration and withdrawal of this objection to the Drawings is believed to be warranted.

At paragraph 8 of the Action, the specification is objected to because of various informalities noted at pages 3-4. Applicant has amended the specification to address the informalities noted by the Examiner including, for example, the recitation of US spelling and correction of minor typing errors. Regarding the use of “hierarchically” noted as being misspelled, it is respectfully pointed out that “hierarchically” is an adverb and “hierarchical” is an adjective. As such, the use of the term “hierarchically” by Applicant is believed to be correct. In view of the forgoing, the Examiner is respectfully requested to reconsider and withdraw the objections to the specification.

Similarly, at paragraph 9 the Examiner objects to the claims in view of various informalities noted at page 5. The Examiner also objects to claims 13 and 22, and rejects claims 25 and 38 under 35 USC Section 112 in paragraphs 10-12 of the Action. Applicant respectfully traverses these objections/rejections. However, in view of the above comments and amendments to the claims to, for example, recite US spelling and improve upon the wording of the claims, the Examiner is respectfully requested to reconsider and withdraw these objections/rejections.

Lastly, regarding the rejection of the claims based upon art, claim 28, 33 and 35 are rejected under 35 USC Section 102(e) as being unpatentable over Perkes (US Patent Publication No. 2003/0110503 A1, hereinafter “Perkes”). Claims 1-2, 5-10, 12, 14-18, 23-24, 29-32 and 36-38 are rejected under 35 USC Section 103(a) as being unpatentable over Perkes in view of Bonomi et al. (US Patent 6,769,127, hereinafter “Bonomi”). Claims 19-22 and 25 are rejected under 35 USC Section 103(a) as being unpatentable over Perkes in view of Paila

(US Patent Publication No. 2003/0096614, hereinafter “Paila”) and further in view of Bonomi.

The foregoing rejections are respectfully disagreed with, and are traversed below.

As indicated above, independent claim 1 is rejected as being obvious in view of Perkes and Bonomi. Applicant respectfully disagrees and notes the following comments. The Examiner appears to contend that Perkes discloses the first three steps of the method of Applicant’s independent claim 1. Perkes discloses a system for providing media in a media on demand format. The media may be provided to a mobile terminal (see, for example, paragraph 129 of Perkes). The media may include, for example, video, music, audio, games etc. (see paragraph 62). Each media object comprises information relating to a media type and a meta-data descriptor (see, for example, the abstract).

The Examiner has cited Bonomi as disclosing the remaining features of claim 1.

In regard to the feature of the “service components for a given service being transmitted in a time-sliced manner on a given channel,” the Examiner considers Figure 11a and column 28, lines 5 to 25 as being relevant. Figure 11a of Bonomi depicts a display of an electronic service guide, which is arranged in a grid-like fashion with rows pertaining to time periods and columns to channels. The Examiner appears to contend that the programs (e.g. Platoon and Alien Resurrection) of Figure 11a of Bonomi are service components of a service that are time sliced, as claimed. However, Applicant respectfully disagrees with this analysis and interpretation.

Bonomi also is alleged to disclose the feature of “repeatedly transmitting the service identification data on the channel.” The Examiner refers to, for example, column 18, lines 22 to 25, in which it states a program guide (which may constitute service identification data) is downloaded to a client and can be updated automatically (i.e. transmitted repeatedly).

The Examiner considers that lines 53 to 67 of column 18 of Bonomi disclose the feature of “repeatedly transmitting information relating to the timing of transmissions of the service identification data”. This section of Bonomi describes how the system sends updated program guides. This is done either upon request from a client, or when a time period expires. The section also describes that the displayed program guide may list many time slots, each associated with a program to be broadcast as scheduled. Bonomi does not disclose or suggest the transmission of information relating to timing of transmissions of the service identification data. This feature provides an advantage that, for example, the information relating to the timing of transmissions of the service identification data (which is repeatedly transmitted) can allow a receiver to, for example, power on (to receive service identification data) only at times which are indicated by the information relating to timing of transmissions of the service identification data (for example, when updated service identification data is being transmitted) – see page 13, lines 7 to 19 of Applicant’s specification.

In view of the above, independent claim 1 is patentable over a combination of Perkes and Bonomi, and the Examiner’s rejection should be reconsidered and withdrawn.

Claim 10, also rejected in view of Perkes and Bonomi, is an apparatus claim corresponding, in part, to the method of claim 1. Consequently, this claim also is patentable over the above cited art.

Claim 23 is also rejected in view of Perkes and Bonomi. The claim includes the feature of “receiving at least one repeated transmission of information relating to the timing of transmissions of service data.” This feature corresponds to the “repeatedly transmitting information relating to the timing of transmissions of the service identification data” feature discussed above. Neither Perkes nor Bonomi discloses this feature. Consequently, neither Perkes nor Bonomi discloses the feature of “using the information relating to timing of transmissions of service identification data to tune ...” As such, for reasons corresponding to

those presented in relation to claim 1, claim 23 is patentable over Perkes in view of Bonomi.

Claim 19 is an apparatus claim that corresponds, in part, to the method of claim 23. The Examiner has rejected the claim as being obvious in view of a combination of Perkes, Paila and Bonomi.

Paila describes a method and apparatus for transmitting and accessing announcement information identifying available services. Announcement information relating to services on all channels may be transmitted on a single channel (the all-announcement channel). Redirection messages (notifying the receiver of the frequency of the all-announcement channel) may be transmitted on each channel. The Examiner has cited paragraphs 32 and 33 of Paila as being relevant to the previously recited feature “means for receiving at least one repeated transmission of information relating to the timing of transmissions of service identification data.” However, this section of Paila describes how the apparatus, when tuned to a particular channel, waits for period of time T1 to receive a redirection message. If no redirection message is received during this time, the receiver switches to another channel to await a redirection message. The time period T1 is determined during the manufacture of the receiver, or by the user of the receiver. Nowhere in this section, nor in Paila as whole, is it disclosed that information relating to timing of transmissions of service identification data is received.

In view of the above, contrary to the Examiner’s assertion, it is respectfully submitted that claim 19 is patentable over a combination of Perkes, Paila, and Bonomi.

With regard to claim 28, it not understood how paragraph 269 of Perkes discloses the claim feature “receiving service identification data relating service components at a given frequency to services and relating services at the given frequency to service sets.” There is no mention in Paragraph 269 of anything that could constitute the “service identification data” as claimed in claim 28. The claim language recites that the received service identification data “relat[es] service components at a given frequency to services” and also

“relat[es] services at the given frequency to service sets.” Perkes does not disclose the claim features recited above.

Furthermore, it is respectfully noted that the Examiner has not provided details of where she considers Perkes to disclose the feature of claim 28 of “hierarchically arranging services including the appropriate service components.” Perkes is not seen to disclose this feature.

In view of the above, it is not seen how Perkes can reasonably be used to allege that claim 28 lacks novelty or inventive step.

Claim 33 recites that “the apparatus comprises a mobile terminal.” Perkes does not disclose or suggest this feature. Indeed, one of the main aims of Perkes (see for example, the background) is seemingly to make “progress in leveraging the TV set beyond television programming or video viewing” (Perkes, paragraph 11). Therefore, it is contended that Perkes not only does not disclose the feature of a mobile terminal, but that it would also actively lead the skilled person away (teach away) from incorporating this feature.

Additionally, comments presented in relation to claim 28 also apply to claim 33. Consequently, it is submitted that claim 33 is both novel and inventive in view of Perkes.

Accordingly, for reasons set forth above, Applicant’s independent claims 1, 10, 19, 23, 28 and 33, as well as newly presented independent claims 40-42, are believed to be patentable in view of the cited art. Remaining claims 2-9, 11-18, 20-22, 24-27 and 29-32 and 34-39 also are believed to be patentable at least in view of their dependency from an allowable independent claim. Thus, the Examiner is respectfully requested to reconsider and withdraw the outstanding objections and rejections to the claims, specification and drawings, and allow the subject application. A Notice of Allowance is therefore earnestly requested.

Should any unresolved issue remain, the Examiner is invited to call the undersigned at the telephone number indicated below.

Respectfully submitted,

Christine Wilkes Beninati      Dec. 1, 2008

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